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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/386,848-Conf. #1868
TOTAL AMOUNT OF PAYMENT (\$) 500.00		Filing Date	August 31, 1999
		First Named Inventor	Izumi MIYAKE
		Examiner Name	J. M. Hannett
		Art Unit	2622
		Attorney Docket No.	0879-0240P

METHOD OF PAYMENT (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
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<input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2448</u> Deposit Account Name: <u>Birch, Stewart, Kolasch & Birch, LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
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FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description	Fee (\$)	Small Entity Fee (\$)					
Each claim over 20 (including Reissues)	50	25					
Each independent claim over 3 (including Reissues)	200	100					
Multiple dependent claims	360	180					
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims			
- =		x	=	Fee (\$)	Fee Paid (\$)		
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
- =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 =		/50	(round up to a whole number) x	=			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)				Fees Paid (\$)			
Other (e.g., late filing surcharge): 1401 Notice of appeal				500.00			

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	39,491
Name (Print/Type)	Michael R. Cammarata	Telephone	(703) 205-8000
		Date	September 14, 2006



Docket No.: 0879-0240P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Izumi MIYAKE

Application No.: 09/386,848

Confirmation No.: 1868

Filed: August 31, 1999

Art Unit: 2622

For: Image Processing Apparatus

Examiner: J. M Hannett

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Applicant respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.

The review is being requested for the reasons set forth on the attached five (5) Sheets.

ARGUMENTS

Applicant respectfully submit that the Examiner has made the following clear errors:

- (1) The Examiner is improperly interpreting and applying the prior art, specifically there is no teaching of collectively erasing panoramic images.
- (2) The Examiner's interpretation of "panoramic image" and "consecutively captured" images are inconsistent with applicant's definition and also with the definition in primary reference Toyofuku used by the Examiner.

No Teaching of Collectively Erasing Panoramic Images in the References

Claims 3 recites, *inter alia*, a memory which stores a plurality of captured images and additional information concerning the images ... a selection device in which a user selects, after displaying that a selected image is prohibited from being erased since the selected image relates to at least one of the plurality of images, collectively erasing the selected image and the images related to the selected image or not erasing all images related to the selected image ... wherein the additional information represents whether or not the image concerning the additional image is part of a panoramic image.

Claim 4 recites, *inter alia*, wherein the additional information represents whether or not the image concerning the additional image is part of a sequence of at least two the plurality of images ... that were consecutively captured.

Claim 3 and 4 are illustrative of the concerns Applicant has with the Examiner's rejection. Independent Claims 8 and 9 also recite features addressing the collective erasing of panoramic or consecutively captured images. For reasons of brevity only the specific language of claim 3 is discussed in regard to the Examiner's errors in rejecting the claims.

In embodiments of the present invention, upon selecting the image to erase if the image is determined to be part of a panoramic image, the image cannot be erased without further instruction from the user. A display device displays that the image is prohibited from being erased individually since it is related to other images. A selection device allows a user to determine whether to erase the image collectively with its related images or not erase any images related to the selected image.

Toyofuku, Suzuki and Thompson do not teach or suggest selecting by a user whether to collectively erase the selected image and all the images relating to the selected image to be erased from the memory or not erase all images related to the selected image. Toyofuku teaches a photographing device that obtains images and classifies those images into various groups stored in the photographic device. A protection code is associated with certain images if they are

related to a panoramic image. If a user desires to erase an image that includes the protection code, a warning is issued indicating that this particular image is protected. The user can then continue to erase the image or decide not to erase the image. The user performs this erasing manually by selecting the individual image to be erased and independently erasing each individual image. See paragraphs 136-149.

In Toyofuku, a warning that the image selected is related to other images is provided to the user. The user can continue to erase the image if desired. Toyofuku does not teach collectively erasing images or allowing a user to select whether to collectively erase the images associated with the panoramic or consecutively captured images or not erase any images related to the selected image.

Suzuki teaches an image processing apparatus that creates subordinate images from a single main captured image. The subordinate images are images created from the main image itself. These images are not panoramic images or separately consecutively captured images. If a user desires, the subordinate images may be erased collectively with the main image. In Suzuki, when a collective erasing is accomplished, the main image and subordinate images are deleted together. This is accomplished by deleting the main image which then automatically deletes the subordinate images. See column 5, lines 60 through column 6, line 17. Suzuki does not teach giving a user the option to select whether to collectively erase the selected image with it's related images or not erase any images related to the selected image.

Further, Thompson teaches erasing related files stored in a computer. A files tracking module creates and maintains a database of files related to certain programs or systems. Thompson's system is concerned with storing related program and system files that run various programs, not images. Although Thompson teaches a collective erasing of files related in some manner, it does not teach or suggest erasing collectively panoramic or consecutively captured images. Further, it is logical in Thompson's system to delete all files associated with a particular program as these files become unnecessary once the program file is deleted. However, in a case of a selected image and its related images, it is not necessarily the case that images related to the selected images are unnecessary.

In embodiments of the present invention, when a user selects collectively erasing a selected image with its related images, the user's will is reflected allowing this erasing to occur. Except for the user making a selection to erase the selected image and its related images, the selected image and its related images are not erased. The selection performed by a user and the collective erasing recited in embodiments of the claimed present invention, is not taught by Thompson, Toyofuku or Suzuki.

Thus, the Examiner has applied references, Toyofuku, Suzuki and Thompson, each of which do not teach collective erasing by a user of panoramic or consecutively captured images.

The Examiner's Interpretation of "Panoramic Image" and "Consecutively Captured" Images Not Consistent with Applicant's Definement of the Terms

The Examiner provides Suzuki to teach "Panoramic Image" and "Consecutively Captured" absent in the teachings of Toyofuku and Thompson. The Examiner states: "it is viewed by the Examiner that a panoramic image is a main image that is associated with several subordinate images." See Office Action pages 5, 8, 11 and 14. The Examiner relies on this definition for the claimed "consecutively captured" images in claims 4 and 9.

Applicant relies upon the normal understanding of the term "panoramic image" in which it is defined as a series of individual images captured in regard to single view, the series of photographs thus being able to be blended to form that single view. Further, consecutively captured images means what it says, consecutively captured, and is are not defined as a main image and subordinate images as suggested by the Examiner.

Suzuki teaches obtaining from a single "main" image samples of that "main" image which are labeled as "subordinate" images and are therefore related to the main image as such. These images are related to each other in their own way as parts of an original single image, but they are not a panoramic image or consecutively captured images.

The Examiner's interpretation of "panoramic image" is refuted by the teachings in Toyofuku which discusses panoramic images in terms of number of panoramic photographed frames. Thus, a multitude of separate photographed frames (images). In fact, Toyofuku specifically states that a single captured frame is not a panoramic image. Toyofuku states "when the number of frames constituting a panorama image separated by erasing the image data is only one, the image is not a panorama image." See paragraph 139. Applicant's disclosure defines a panoramic image similarly as a collection of captured images.

Thus, Suzuki does not teach or suggest panoramic images, but instead teaches a single image from which subordinate images defining areas of the single image are taken. This teaching in Suzuki relied upon by the Examiner as teaching "panoramic" or "consecutively captured" images is inconsistent with the normal meaning of those terms and as defined by Applicant. Thus, Suzuki does not teach these claimed elements.

Conclusion


In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Chad Billings (Reg. No. 48,917) at (703) 205-8001 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 14, 2006

Respectfully submitted,

By  #48,917
for Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

MRC/CJB/lab